
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by J. W. Wiley.

DIGEST

Marionneaux (SB 341)

Present law provides that the control and supervision of the wildlife of the state, including all aquatic life, is vested in the Louisiana Wildlife and Fisheries Commission ("commission"). Further provides that the commission is in the executive branch and consists of seven members appointed by the governor, subject to confirmation by the Senate.

Present law provides that six members will serve overlapping terms of six years, and one member will serve a term concurrent with that of the governor. Further provides that three members will be electors of the coastal parishes and representatives of the commercial fishing and fur industries, and four will be electors from the state at large other than representatives of the commercial fishing and fur industries.

Present law provides that no member who has served six years or more will be eligible for reappointment.

Proposed law changes the composition of the commission by providing that the commission will consist of the members of the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources, or the successors to those committees which have jurisdiction over wildlife and fisheries.

Present law provides that certain legislative reporting requirements of the APA do not apply to any rule or regulation promulgated by the DW&F or the commission relative to hunting seasons, trapping seasons, alligator seasons, shrimp seasons, oyster seasons, finfish seasons and size limits, and all rules and regulations pursuant thereto.

Present law allows the DW&F and the commission to employ certain provisions of the APA in promulgating rules and regulations relative to hunting seasons, trapping seasons, alligator seasons, shrimp seasons, oyster seasons, and finfish seasons and size limits, and all rules and regulations.

Proposed law retains the present law for rules or regulations promulgated by the commission but requires legislative reporting of rules or regulations promulgated by the DW&F.

Proposed law provides that any vacancy occurring in the commission by reason of the expiration of the term for which appointed or by reason of death, resignation or otherwise will be filled by the member appointed to the House Committee on Natural Resources and Environment or the Senate Committee on Natural Resources by the presiding officer of the House of Representatives or the Senate, respectively, to fill the vacancy.

Present law provides that no compensation for his services will be paid to any member of the commission, but each member will be paid a per diem of \$25.00 for each day of meeting and actual expenses incurred in traveling to and from and attending meetings of the commission and in attending to his duties away from his domicile under assignment by the commission.

Present law provides that the commission will not take any action except by vote in meeting assembled, all actions shall be included in the minutes.

Proposed law retains present law and adds that no action may be taken by the commission except by the favorable vote of a majority of the members from each house present and voting, each house voting separately, and a quorum of each house being present.

Present law provides that the DW&F may permit the use on leased acreage of certain devices to protect oysters from predation.

Present law requires the DW&F to promulgate, in accordance with the APA, rules and regulations for such a permit. Further requires that the rules relative to the material used for certain devices be approved by the commission and the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources.

Proposed law removes the requirement that the rules and regulations be approved by the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources.

Present law requires, before March 1 of each calendar year, the commission to submit to the Senate Committee on Natural Resources and the House Committee on Natural Resources and Environment a written report containing a listing of all acreage owned by the department and managed by the commission that is available for public hunting, fishing, and recreational opportunities and a listing of all acreage that was lost or gained for such purposes.

Proposed law removes the present law.

Effective if and when the proposed amendment of Article IX, Section 7(A) of the Constitution of Louisiana contained in the Act which originated as Senate Bill No. _____ of the 2010 Regular Session of the Legislature is adopted at the statewide election to be held on November 2, 2010, and becomes effective.

(Amends R.S. 36:601(A), R.S. 49:967(D) and 968(B)(13), R.S. 56:1, 2(C), and 431.1(A)(2)(c); repeals R.S. 56:109.2(B))